



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: **Department of Ecology** AO# 04-07

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>04-23-039</u> ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

This rule making will adopt a new rule, Chapter 173-333 WAC – Persistent Bioaccumulative Toxins Regulation, that will establish Ecology's process and procedures to address the subject of persistent bioaccumulative toxic substances.

Hearing location(s): **Seattle**

Seattle Best Western
200 Taylor Avenue North
Seattle, WA 98109

Date: July 13, 2005 Time: 7:00 PM

Date of intended adoption: **October 1, 2005**

(Note: This is **NOT** the effective date)

Submit written comments to:

Name: **Mike Gallagher, PBT Coordinator**

Address: **Dept. of Ecology**

PO Box 47600

Olympia, WA 98504

e-mail mgal461@ecy.wa.gov

fax **(360)407-6884** by **July 22, 2005**

Assistance for persons with disabilities: Contact

Joan Letourneau by **July 6, 2005**

TTY **(800) 833-6388** or **(360) 407-6764**

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The 2004 Legislature, and Governor Locke, in Executive Order 04-01, directed the Department of Ecology to establish, through rule, specific criteria for use in identifying persistent, toxic chemicals (PBTs) that pose human health or environmental impacts in Washington State, and a clear process for developing chemical action plans to address those impacts.

Reasons supporting proposal:

PBTs are long-lasting chemicals that break down very slowly when released into the environment. As PBTs move up the food chain, they increase in concentration and they can build up in the tissues of animals and people. Exposure to PBTs has been linked to a wide range of toxic effects in fish, wildlife, and humans, including effects on the nervous system, reproductive and developmental problems, immune-response suppression, cancer, and endocrine disruption. This rule helps the Department of Ecology set its internal priorities in addressing PBTs.

Statutory authority for adoption: **Chapter 276 2004 Laws PV**
and Chapter 70.105 RCW (Hazardous Waste Management)

Statute being implemented:

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

5/18/05

NAME (type or print)

Polly Zehm

SIGNATURE

POLLY ZEHEM

TITLE **Deputy Director**

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STATE OF WASHINGTON

FILED

MAY 18 2004

TIME 8:13 AM

WSR 05-11-095

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Ecology created an external rule advisory committee, involving business associations, government associations, environmental and public health advocates, and other community groups to provide input in the development of rule language. This advisory committee met six times between August – December 2004 in all-day meetings to provide input and recommendations to Ecology as draft rule language was being developed. Ecology will also develop a focus sheet and maintain our current PBT web site (<http://www.ecy.wa.gov/programs/eap/pbt/rule/index.html>) regarding PBT rule-making activities. Ecology will hold one formal public hearing on the draft PBT rule proposal.

Name of proponent: (person or organization)

Department of Ecology

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Michael J. Gallagher	Ecology HQ – PO Box 47600, Olympia, WA 98504	(360) 407-6868
Implementation.... Michael J. Gallagher	Ecology HQ – PO Box 47600, Olympia, WA 98504	(360) 407-6868
Enforcement.....N/A	N/A	()

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The PBT Rule is a procedural rule. This rule does not impose a cost on business. There is no cost to a regulated entity as a result of an agency “putting something on an internal list.” Therefore, a small business economic impact statement does not need to be prepared for this rule proposal.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

The PBT Rule is an internal procedural rule directed to the Department of Ecology. This rule development *in itself* does not impose a cost on business. The rule will establish a list and a process for treating that list, but it won’t actually direct any specific action that has specific impacts. Based on this decision, the need for a cost benefit analysis and a small business economic impact statement is not necessary or appropriate *within the rule itself*.